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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/735,193	12/11/2003	Masanori Taketsugu	P/1878-186	2577
2352	7590	05/28/2009	EXAMINER	
OSTROLENK FABER GERB & SOFFEN 1180 AVENUE OF THE AMERICAS NEW YORK, NY 100368403			IQBAL, KHAWAR	
			ART UNIT	PAPER NUMBER
			2617	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/735,193

Applicant(s)

TAKETSUGU, MASANORI

Examiner

KHAWAR IQBAL

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 3-19-09.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 23-26, 28-35 and 37-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 23-26, 28-35 and 37-43 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
- Certified copies of the priority documents have been received.
 - Certified copies of the priority documents have been received in Application No. _____.
 - Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- Notice of References Cited (PTO-892)
- Notice of Draftsperson's Patent Drawing Review (PTO-948)
- Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- Notice of Informal Patent Application
- Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 23-26, 28-35, 37-43 are rejected under 35 U.S.C. 102(e) as being anticipated by **OpenRAN: a new architecture for mobile wireless Internet radio access networks** by Kempf, J.; Yegani, P.

Regarding claim 23 Kempf et al teaches a mobile communications system comprising (figs. 1-2):

a terminal resource controller (control plane, fig. 2) operable to control a call signaling processing independent of a radio transmission scheme (page 120, line 3-35, fig. 2), the terminal resource controller (control plane, fig. 2) comprising a terminal position detector (UE Geu-location, fig. 2) operable to detect a position of at least one mobile terminal (col. 121), a common radio resource manager (Common Radio Resource Management, fig. 2) operable to manage a common radio resource (page 121), a broadcast device (paging/Broadcasting, fig. 2) operable to control a flow of radio broadcast (page 121), and a mobile controller (Mobile Control, fig. 2) operable to control the at least one mobile terminal (page 120); and

a plurality of base station resource controllers (Bearer Plane function Entities, fig. 2) operable to control a user data transfer dependent on the radio transmission scheme (page 121);

wherein said terminal resource controller (control plane, fig. 2) manages said plurality of base station resource controllers (Bearer Plane function Entities, fig. 2) (page 120 lines 20-35, page 121, lines 15-30).

Regarding claim 24 Kempf et al teaches wherein said terminal resource controller is connected to said plurality of base station resource controllers through said switching equipment (abstract, page 120 lines 20-35, page 121, lines 15-30).

Regarding claim 25 Kempf et al teaches wherein said switching equipment is a router or a hub (abstract, fig. 1).

Regarding claim 26 Kempf et al teaches wherein said terminal resource controller is physically separated from said plurality of base station resource controllers (abstract, page 120 lines 20-35).

Regarding claim 28 Kempf et al teaches wherein each of said plurality of base station resource controllers comprises, a cell controller, a radio layer controller, a cell communication gateway, and a user radio gateway (col. 5, lines 5-35, see figs. 1 and 2).

Regarding claim 29 Kempf et al teaches wherein each of a plurality of base station resource controllers is incorporated into a base station (abstract, page 121, lines 1-50).

Regarding claim 30 Kempf et al teaches further comprising a mobile terminal (abstract, page 120 lines 20-35, page 121, lines 15-30).

Regarding claim 31 Kempf et al teaches a method of controlling a mobile communications system, comprising (fig. 1-2):

using a terminal resource controller in the mobile communications system to control signaling processing independent of a radio transmission scheme, the step of using the terminal resource controller including detecting a position of at least one mobile terminal using a terminal position detector of the terminal resource controller, managing a common radio resource using a common radio resource manager of the terminal resource controller, controlling a flow of a radio broadcast using a broadcast device of the terminal resource controller and controlling the at least one mobile terminal using a mobile controller of the terminal resource controller (page 120); and

using a plurality of base station resource controllers in the mobile communications system to control user data transfer dependent on the radio transmission scheme (page 121),

wherein said terminal resource controller manages said plurality of base station resource controllers (page 120-page 121).

Regarding claim 32 Kempf et al teaches a mobile communications system comprising (figs. 1-2):
a plurality of terminal resource controllers that perform a control signaling processing independent of a radio transmission scheme, each terminal resource controller comprising a terminal position detector operable to detect a position of at least one

mobile terminal, a common radio resource manager operable to manage a common radio resource, a broadcast device operable to control a flow of radio broadcast, and a mobile controller operable to control the at least one mobile terminal (page 120); and a base station resource controller that performs a control dependent on the radio transmission scheme, wherein said plurality of terminal resource controllers manage said base station resource controller (page 120- page 121).

Regarding claim 33 Kempf et al teaches a switching element, wherein said plurality of terminal resource controllers are connected to said base station resource controller through said switching equipment (abstract, page 120 lines 20-35, page 121, lines 15-30).

Regarding claim 34 Kempf et al teaches wherein said switching equipment is a router or a hub (abstract, page 120 lines 20-35, page 121, lines 15-30, fig. 1).

Regarding claim 35 Oom et al teaches wherein said plurality of terminal resource controllers are physically separated from said base station resource controller (abstract, page 120 lines 20-35, page 121, lines 15-30).

Regarding claim 37 Kempf et al teaches wherein said plurality of base station controllers comprises: a cell controller, a radio layer controller, a cell communication gateway, and a user radio gateway (page 121, lines 15-50).

Regarding claim 38 Kempf et al teaches wherein each of a plurality of base station resource controllers is incorporated into a base station (abstract, page 120 lines 20-35, page 121, lines 15-30).

Regarding claim 39 Kempf et al teaches further comprising a mobile terminal (fig. 1, mobile device).

Regarding claim 40 Kempf et al teaches a method of controlling a mobile communications system, comprising (figs. 1-2):
a plurality of terminal resource controllers in the mobile communications system performing a control independent of a radio transmission scheme, using each of the plurality of terminal resource controllers including detecting a position of at least one mobile terminal using a terminal position detector of the terminal resource controller, managing a common radio resource using a common radio resource manager of the terminal resource controller, controlling a flow of a radio broadcast using a broadcast device of the terminal resource controller, and controlling the at least one mobile terminal using a mobile controller of the terminal resource controller (page 120-121);
and a base station resource controller in the mobile communications system performing a control dependent on the radio transmission scheme (page 121); wherein said plurality of terminal resource controllers manage said base station resource controller (page 120-121).

Regarding claim 41 Kempf et al teaches a terminal resource controller comprising (figs. 1-2):
a terminal position detector, a common radio resource manager, a broadcast network device; and a mobile controller, wherein the terminal resource controller performs a control signaling processing independent of a radio transmission scheme (page 120-121), and wherein the terminal resource controller manages a plurality of base station

resource controllers that perform a control dependent on the radio transmission scheme (page 120-121).

Regarding claim 42 Kempf et al teaches a terminal resource controller comprising (fig. 1-2): terminal position detection means for detecting a terminal position; common radio resource management means for managing a common radio resource; broadcast means for broadcasting; and mobile control means for controlling a mobile terminal, wherein the terminal resource controller performs a control independent of a radio transmission scheme, and wherein the terminal resource controller manages a plurality of base station resource controllers that perform a control dependent on the radio transmission scheme (page 120-121).

Regarding claim 43 Kempf et al teaches a method of controlling a terminal resource controller, comprising step of:

controlling signaling processing independent of a radio transmission scheme (page 120); detecting a position of at least one mobile terminal using a terminal position detector of the terminal resource controller; managing a common radio resource using a common radio resource manager of the terminal resource controller; controlling a flow of a radio broadcast using a broadcast device of the terminal resource controller; controlling the at least one mobile terminal using a mobile controller of the terminal resource controller (page 120, see claim 1 above); and

wherein said terminal resource controller manages a plurality of base station resource controllers that perform a control dependent on a radio transmission scheme (page 120-121).

Response to Arguments

3. Applicant's arguments with respect to claims 23-26, 28-35, 37-43 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KHAWAR IQBAL whose telephone number is (571)272-7909. The examiner can normally be reached on 9 am to 6.30 pm Monday to Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, GEORGE ENG can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/George Eng/
Supervisory Patent Examiner, Art Unit 2617

/K. I./
Examiner, Art Unit 2617